

EXHIBIT “1”

Plaintiff’s Expert Report and Affidavit

PRO-CUT, KG-32, MEAT GRINDER FAIL.

Khusenov v ProKraft & Pro-Cut

This report reviews the incident that occurred on May 29th, 2021 involving Mr. Isojon Khusenov and a Pro-Cut KG-32 Meat Grinder. In the process of operating this machine Mr. Kusenov incurred traumatic and devastating injuries to his right hand and arm.

Dr Andy Foley P.E

June 29th 2022

Dr Andrew C. Foley P.E

44 Buddington Rd,

Groton, CT. USA.

Tel : (860) 460-9132

Email : Andy.Foley@hotmail.com




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1. Introduction

The author of this report, Dr Andrew Foley, is a licensed Professional Engineer in the State of Connecticut. Dr Foley has over 30 years of experience in Mechanical Engineering and has a PhD in Engineering Mechanics. Dr Foley has been retained by the Law Office of Yuriy Prakhin, PC, to investigate the Pro-Cut KG-32 Grinder injury sustained by Mr. Isojon Khusenov on May 29th, 2021. This report identifies the specific machine and gives the details of how, in the process of operating the machine, Mr Khusenov's arm became ingested in the grinder resulting in traumatic and devastating injuries to his right hand and arm.

While generating this report the following documents have been reviewed.

- *Pro-Cut kg-32 Product/Sales Brochure . PRO-CUT KG-32 MEAT GRINDER-76876.pdf*
- *Owner's Manual PRO-CUT 507130-A, OWNERS MANUAL KG-32-76877.pdf*
- *Video Footage received from Plaintiff's Attorney. VIDEO 1-76428-2245.*
- *Initial Disclosure. 3RD PTY DEF KARZINKA INITIAL DISCLOSURE-5826.pdf*
- *Plaintiff's initial disclosure, PLAINTIFF'S INITIAL DISCLOSURE-4631.pdf*
- *Response to interrogatories. DEF PROKRAFT RESPONSE TO OUR 1ST SET OF ROGS-6132.pdf*
- *Photographs from inspection on 1/10/2022*
- *Photographs from inspection on 2/11/2022*
- *UL-763 Motor operated commercial food preparing machines. Underwriters Laboratories Standard.*
- *29 CFR 1910.147 The control of hazardous energy (lockout/tagout) – 1910.147*
- *29 CFR 1910.212 General requirements for all machines.*
- *Guidebook for designing emergency stop equipment. (ISO 13850 Compliant)*
WWW.IDEC.com
- *AMAZON.com Various Meat Grinders advertised for Sale.*

2. Injured party and identification of machinery.

Time : Approximately 9.20 -9.30 am, Saturday, May 29th, 2021.

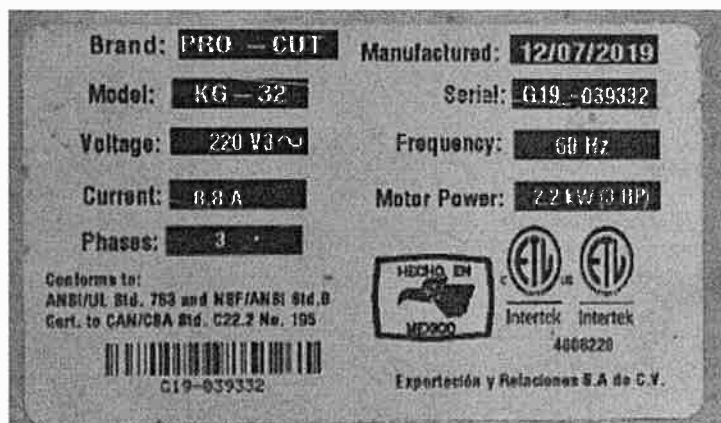
Location : Halal Meat Grocery Store, 64-36 108th St.,
Forest Hills, Queens, New York.

Injured Party : Mr. Isojon Khusenov.

Machine involved : Pro-Cut KG-32, Serial No. G19-039332

Manufacturer : Unknown manufacturer in Mexico. ProKraft purchases
Grinders in Mexico and imports them to the U.S.
N.B Eduardo Flores, President, ProKraft, 1293 N. Post Oak
Road, Suite 100, Houston, TX 77055

Figure 1. is a photograph of the machine make of this machine



Prokraft

Type / Model : PRO-CUT, KG-32

Serial No. : G19-039332

Year of Manufacture : 2019

Voltage : 220 (3 Phase)

KW/HP : 2.2/3

Amps : 8.8

Figure 1. Machine Name Plate (From inspection photos 1/10/2022)

3. Brief details of incident.

The following is based on a review of the photographs and video provided by the Plaintiff's Attorney. (*VIDEO 1-76428-2245.MOV*)

The video of the incident is 1 minute 49 seconds long and appears to be recorded off a computer screen playing the original surveillance video. A single time reference, 09:27:30 is seen unchanging at the bottom of the screen. (This is the approximate time of the incident on May 29th, 2021. In the video Mr. Khusenov can be seen in the bottom of the screen wearing a white "lab type" coat, an orange baseball cap and blue "surgical type" gloves. A corner of the grinder feed tray can also be seen along with an adjacent table with assorted meat on it. (e.g Assorted racks of ribs.) During the video two other employees can also be seen working in the video.

For the first 50 or so seconds Mr Kusenov appears to be pushing meat along the feed tray and into the grinder feed tube. He stops twice to reach down to what I believe would be the "ground" meat product collecting bucket/tray. I assume to adjust how the product is collecting in that bucket/tray. At around 54 seconds while feeding the meat products into the chute Mr Kusenov's head and upper torso suddenly drop out of the screen shot as his hand and arm are ingested into the grinder "worm" screw. Approximately six seconds later (1:00 on time elapsed) two coworkers run to Mr Khusenov's aid and one of them reaches over his body, presumably in an attempt to extricate him from the machine. Three seconds later, (1:03), and for approximately another 3 seconds this coworker appears to be trying to reach around the trapped Mr Khusenov and under the feed tray. This was either an attempt to press the machine's stop button and/or to start to disengage the grinder head from the rest of the machine. This same employee then reaches around the other side of Mr Khusenov and for a further 16 seconds supports the grinder head. Then at 01:21 Mr Khusenov and the two assisting employees can be seen moving with the feed tray and the grinder head unit to the other side of the shop whereupon the video ends at 01:49. During this time it is apparent that Mr Khusenov's hand and arm are still trapped inside the grinder head.

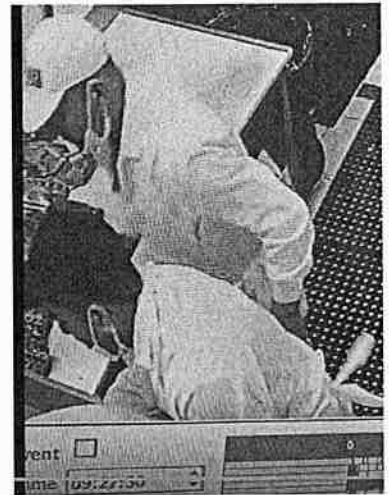
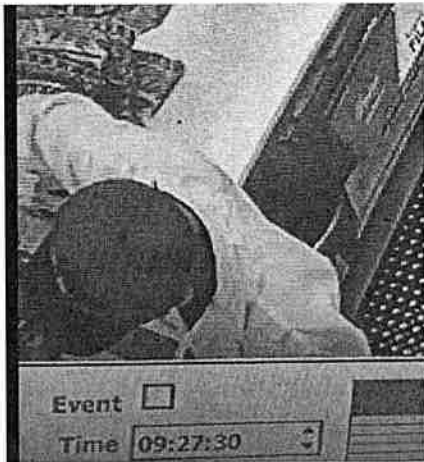


Figure 1. Video stills.

- 0:12 Mr Khusenov feeding meat product into grinder.*
- 0:55 Mr Khusenov's hand and arm ingested into grinder.*
- 1:02 Co-Workers reaching in front of Mr Khusenov to switch off machine and disengage grinder head.*

(From: DVD provided by Plaintiff's Attorney 12-6-2021)

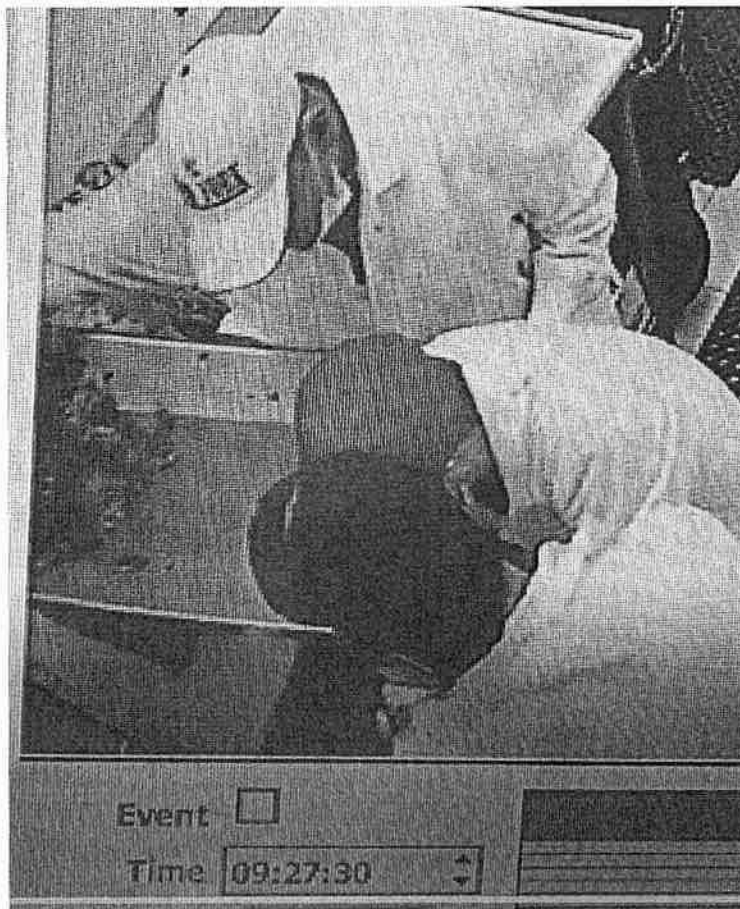


Figure 2. Video stills. 1:22 Mr Khusenov and Co Workers moving with grinder head and tray across the shop.
(From: DVD provided by Plaintiff's Attorney 12-6-2021)

4. Details of the Pro-Cut KG-32 Meat Grinder.

The KG-32 is a heavy-duty meat grinder advertised as a breakdown, boneless meat grinder for use in butcher shops or other high-volume operations. Figure 3 is a photograph of the assembled machine copied from a supplier's web page.

The machine takes raw meat products onto its top mounted feed tray. The operator will then slide these products forward and into a down feed chute. At the bottom of this chute a "worm screw" will push the products horizontally into a rotating 4 bladed knife that cuts the meat before it is then squeezed through a plate full of 3/16 inch holes. The "ground" product then drops into a waiting bucket/tray. A deflector plate is also shown that is intended to guide the product into the waiting bucket/tray. (Note that the white plastic pusher is also present and inserted into the guard.



Figure 3. KG-32 Grinder.

REF : https://www.cooking.com.au/products/bench-model-electric-meat-grinder-32-hub-3-hp.html?gid=1&utm_source=facebook&utm_medium=referral Bore

5. Owner's Manual and Product Guide.

The drawings below (Figure 4), are from the Pro-Cut owner's manual and give the scale of the machine and the components that go into the grinding head. The worm screw, marked as (13), is situated at the bottom of the vertical chute leading from the feed tray. This is the component that ultimately ingested Mr Husenov's hand and arm.

B) GENERAL DIMENSIONS.

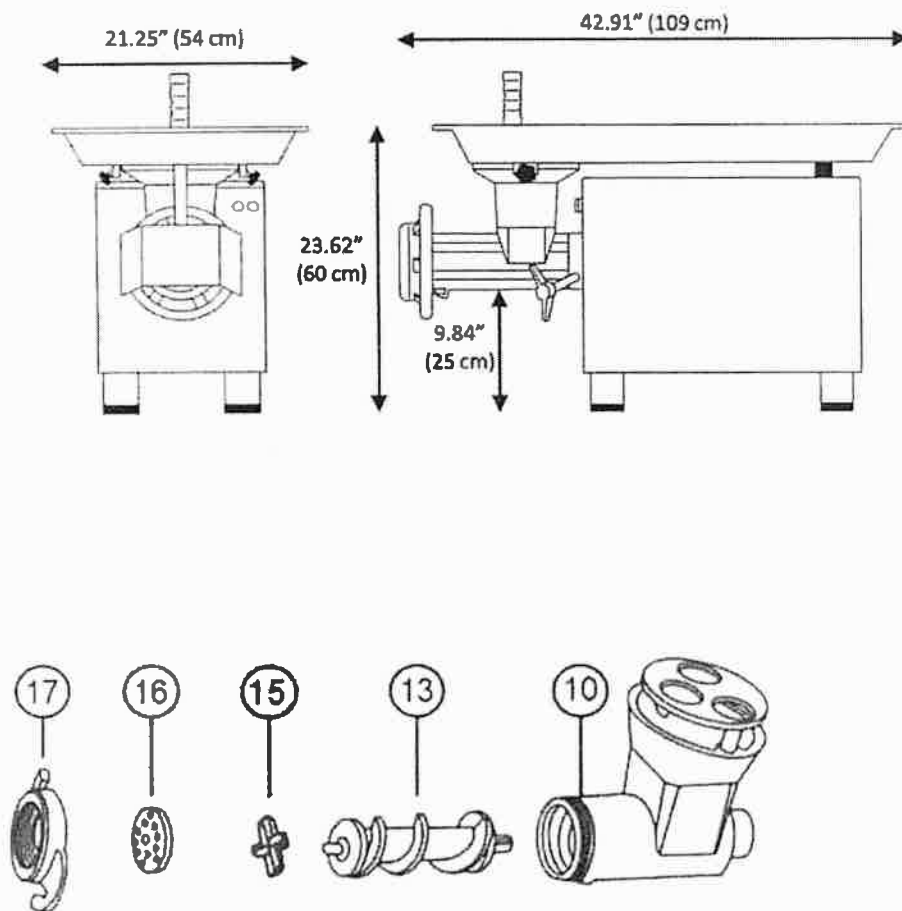


Figure 4. KG-32 Grinder.

From (Pro-Cut Owners Manual 507130 A Figure 1 and figure 7.

The five page product guide (*PRO-CUT KG-32 MEAT GRINDER-76876.pdf*) provides a few drawings and a list of standard features and specifications. Note that there are no warnings of dangers posed by the machine in the product manual.

Also, two of the standard features include :-

“3,300+ lbs/hour processing capacity”

“Robust headstock with permanent affixed safety guard.

The implication is therefore, that 3,300 lbs of meat product can in theory be pushed by a plastic pusher through a $2\frac{3}{8}$ inch hole in one hour. A top-down view of the guard can be seen in figure 5. The plastic pusher on its own and inserted into the guard is shown in figure 6.

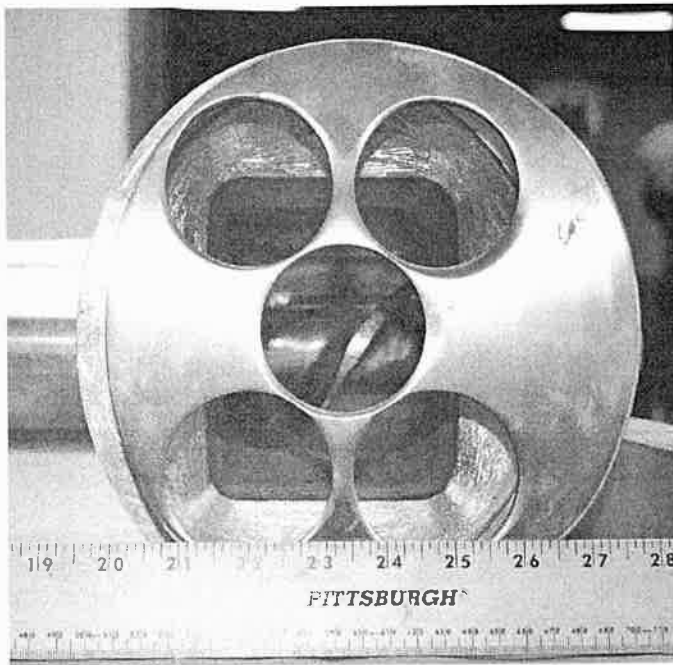


Figure 5. Safety guard.

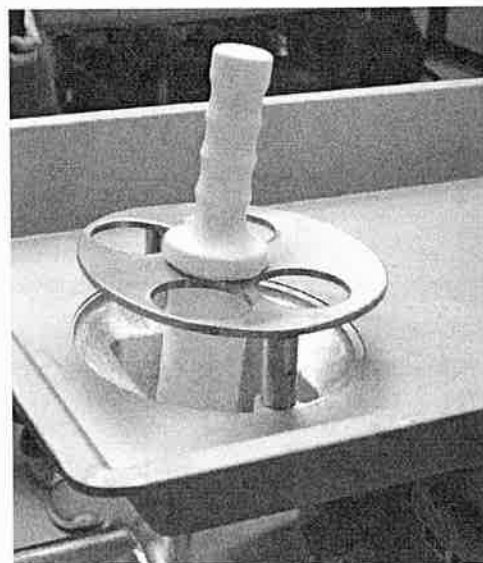
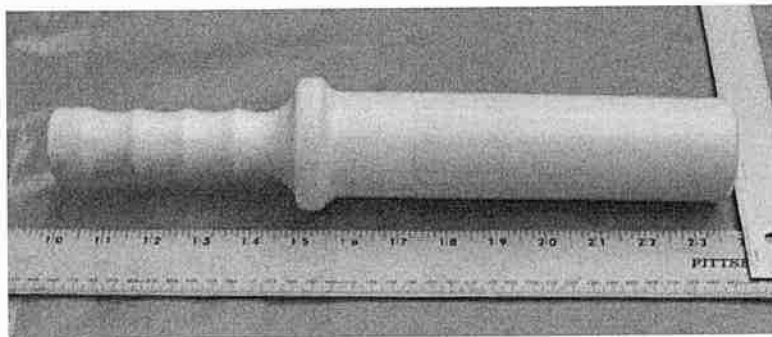


Figure 6. Plastic pusher (also shown inserted into guard.)

The 14 page Owner's Manual (*OWNERS MANUAL KG-32-76877.pdf*) includes the following warnings

	<p>WARNING! This meat grinder is designed to cut food products and if it is not used and maintained properly for optimum safety, it could become dangerous</p>
<p>This equipment must be connected to a thermal connection, not use the equipment if it is not properly grounded.</p>	
	<p>The appliance is not to be used by persons (including children) with reduced physical, sensory or mental capabilities, or lack of experience and knowledge, unless they have given supervision or instruction. Children being supervised not play with the appliance.</p>
	<p>Never perform service, cleaning or maintenance on this unit while connected to a power source.</p>
	<p>Never use hands or fingers to feed products directly into the bowl area, always use the pusher included in the equipment.</p>

Figure 7. Warnings from Owner's Manual.

Also included under section (IV. Operation) is the following :-

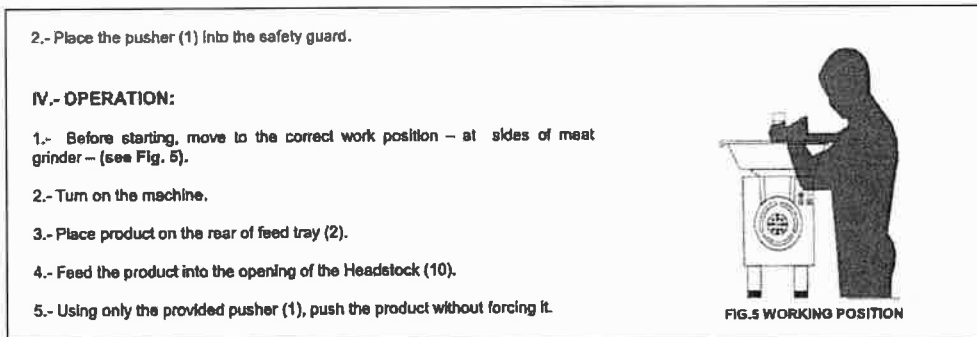


Figure 8. Operation section from Owner's Manual.

At no point, in either manual or brochure, is the specific danger of the worm screw (see figure 9) described to the operator. The one warning sign, (see figure 7), a type “supplemental directive” according to the American National Standards Institute (ANSI) standard ANSI Z535.6, appears to show an injury caused by a tool or blade and not by the worm screw.

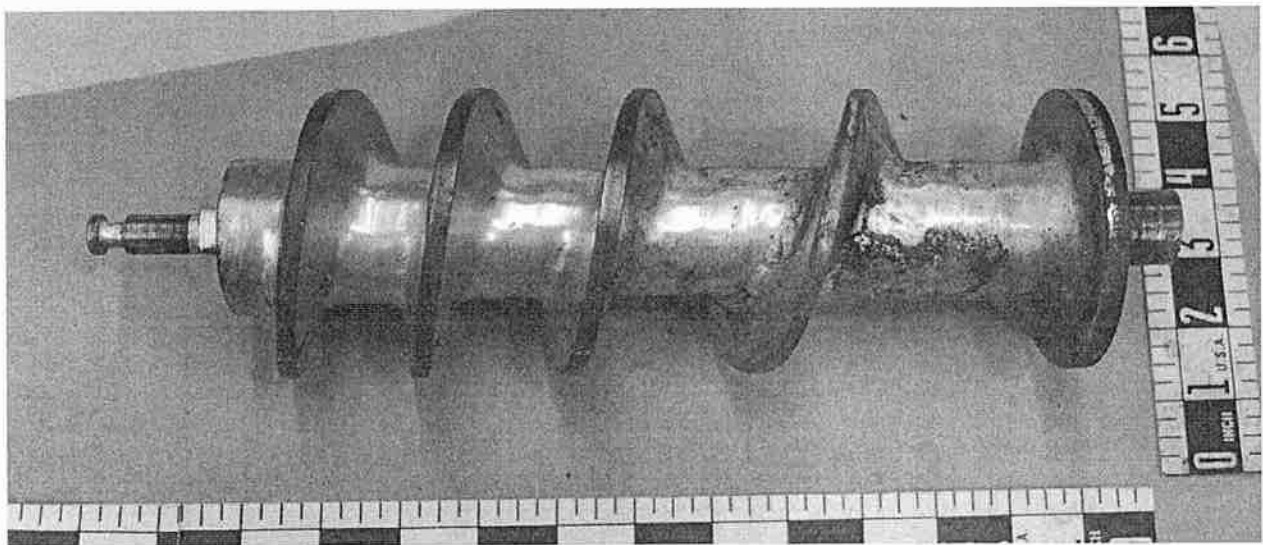


Figure 9. Worm Screw at bottom of vertical feed chute.

Per ANSI Z535.6 the format for signal words in product/user manuals etc. is as follows :-




 DANGER	DANGER indicates a hazardous situation which, if not avoided, will result in death or serious injury.
 WARNING	WARNING indicates a hazardous situation which, if not avoided, could result in death or serious injury.
 CAUTION	CAUTION , used with the safety alert symbol, indicates a hazardous situation which, if not avoided, could result in minor or moderate injury.
NOTICE	NOTICE is used to address practices not related to personal injury.

Figure 10. *ANSI Z535.6 Signal Words* (REF: Kunderling (2008)).

To classify as a danger signal word the ANSI Z535.4 guide gives the following description :-

E3.4.1.1 Death or serious injury: Injury to humans that is more severe than minor or moderate injury. Harm classified as death or serious injury may also include property damage, or moderate or minor injuries that occur as a result of the same event.

Serious injuries typically have one or more of the following characteristics

- results in permanent loss of function or significant disfigurement
- requires substantial and prolonged medical treatment
- involves long periods of disability
- involves considerable pain and suffering over long periods of time

Examples of serious injuries include amputations, severe burns, and loss or impairment of vision or hearing.

Figure 11. *ANSI Z535.4 Signal Words determination*

As the insertion of a hand into the grinder “WILL” absolutely result in a serious injury, as described above, and potentially death, the DANGER signal word **should** be used along with a suitable description. (e.g. Never place hands into the grinder chute as this will result in loss of hand, arm or death.)

6. Warnings on the Grinder

Figure 12, below shows the actual KG-32 power unit and the location of the machine's warning label, also shown is a close-up view of the label itself. As discussed in the previous section the WARNING label needs to be replaced by a DANGER label.

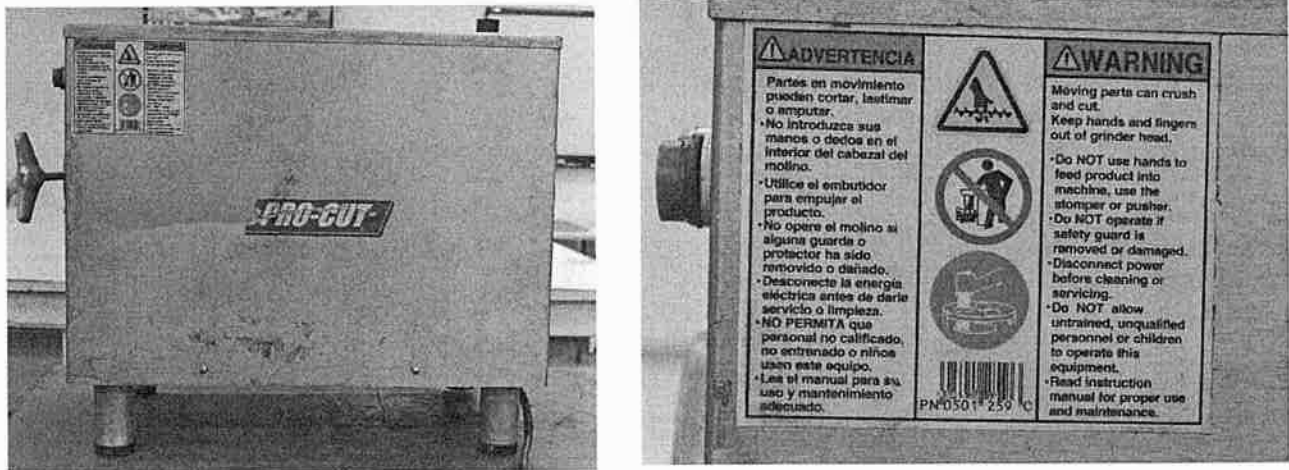


Figure 12. *WARNING Label on Grinder*

Figure 13 also highlights another problem with the positioning of the label.

Per ANSI Z535.4 (part 9):-

9 Sign and label placement

9.1 Location

Product safety signs and labels shall be placed such that they will: (1) be readily visible to the intended viewer and (2) alert the viewer to the hazard in time to take appropriate action.



Figure 13. *WARNING Label not visible from operating position.*
(Right hand figure is from operator's manual)



FIG.5 WORKING POSITION

Working position as shown in ProCut user manual. Note tray is clearly blocking user's view of warning label and stop button.

Contrary to the ANSI Z535.4 standard the warning label is obscured from the operators view.

7. Stop Button.

The on and off buttons are shown in figure 14. There is only one regular stop button and no dedicated emergency stop button.

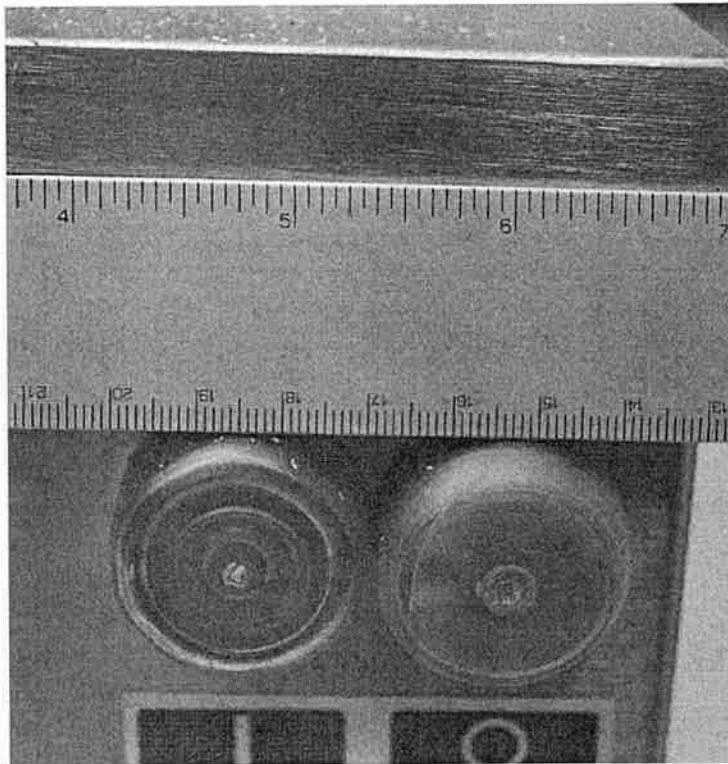


Figure 14. *Start and Stop buttons on the Pro-Cut KG-32*

This is not to the International Organization for Standardization (ISO) standard. i.e. Per ISO 13850 Emergency Stop Function standard :-

4.3.6

The actuator of the emergency stop device shall be coloured RED. As far as a background exists behind the actuator and as far as it is practicable, the background shall be coloured YELLOW.

The stop button on Pro-Cut KG-32 is approximately 25mm (1 inch) in diameter and is also somewhat recessed behind a plastic cover. A typical Emergency Stop button consists of a raised Red Mushroom type Button (Operator) that would, at its smallest size, still be of the order

of 30 mm in diameter with a 53.5 mm yellow back plate. (ISO 13850) i.e. Considerably bigger, See figure 15.



Dimensions

For $\phi 16$ Emergency Stop Switches

For $\phi 30$ mm Operator

HAAV-0

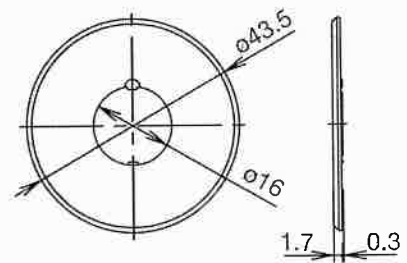


Figure 15. Typical E-Stop button with small button ISO 13850 Dimensions

In the previous section of this report the issue of visibility for the warning sign was discussed. For the stop button the situation is even worse. Apart from the feed tray obscuring the operator's view, the stop button is now located on the side of the machine. i.e. around a corner and oriented 90 degrees away from the operators forward view. The Stop button is therefore clearly not visible to the grinder operator. See figure 16. In an emergency, such as in this case, it would also be difficult for the user to reach the button if either of his/her hands was ingested into the worm screw. As the operator would also be effectively blocking access to the Stop button it would also be difficult for someone rendering assistance to also stop the machine.

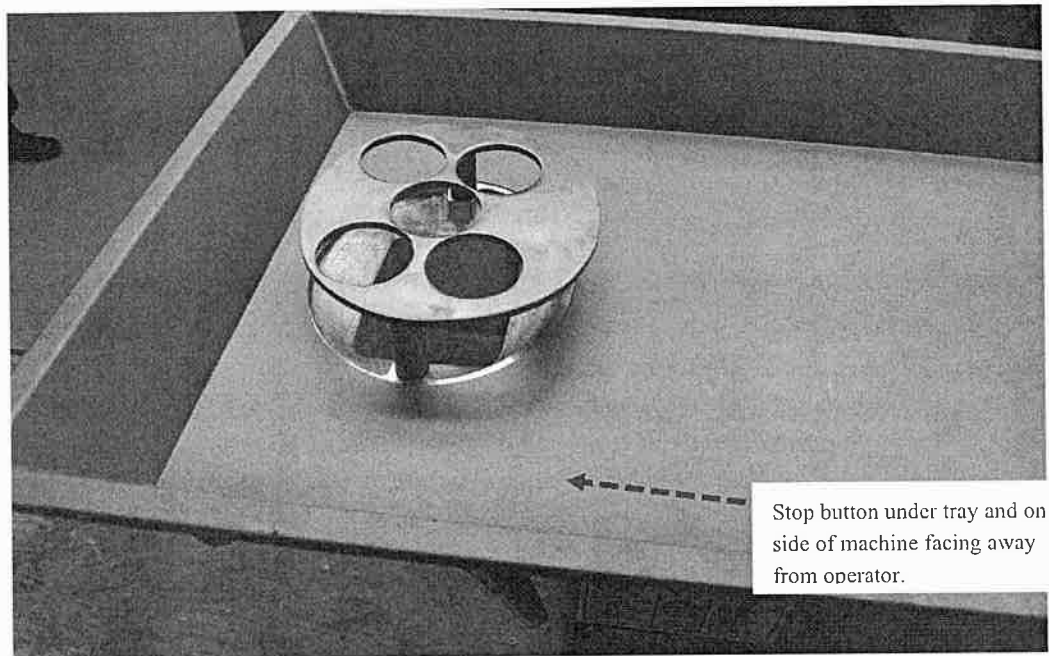


Figure 16. *Stop button not visible to operator or person rendering assistance to a trapped operator.*

Clearly from figure 16 it can be seen that when operating the grinder the user will not be able to see the stop button and as such it is clearly placed in the wrong position.

Also of concern, and shown in figure 17, is the potential obstruction to the stop button presented by the tray locking knob and the head attachment handle. Of interest is the fact that on another Pro-Cut grinder model, KG-12 the tray locking knob has been removed and only a grinder head locking knob remains. For the remaining single tray locking knob there are two versions with different locations (see figure 18 (a) and (b)). In the KG-12_SS model the “handle” comes off the grinder head horizontally and so approaches the location of the stop button. In the KG-12-FS version the knob comes off the grinder head in downward direction and so moves away from the stop button/switch. There seems no reason for this change other than a recognition of the possible obstruction issue.

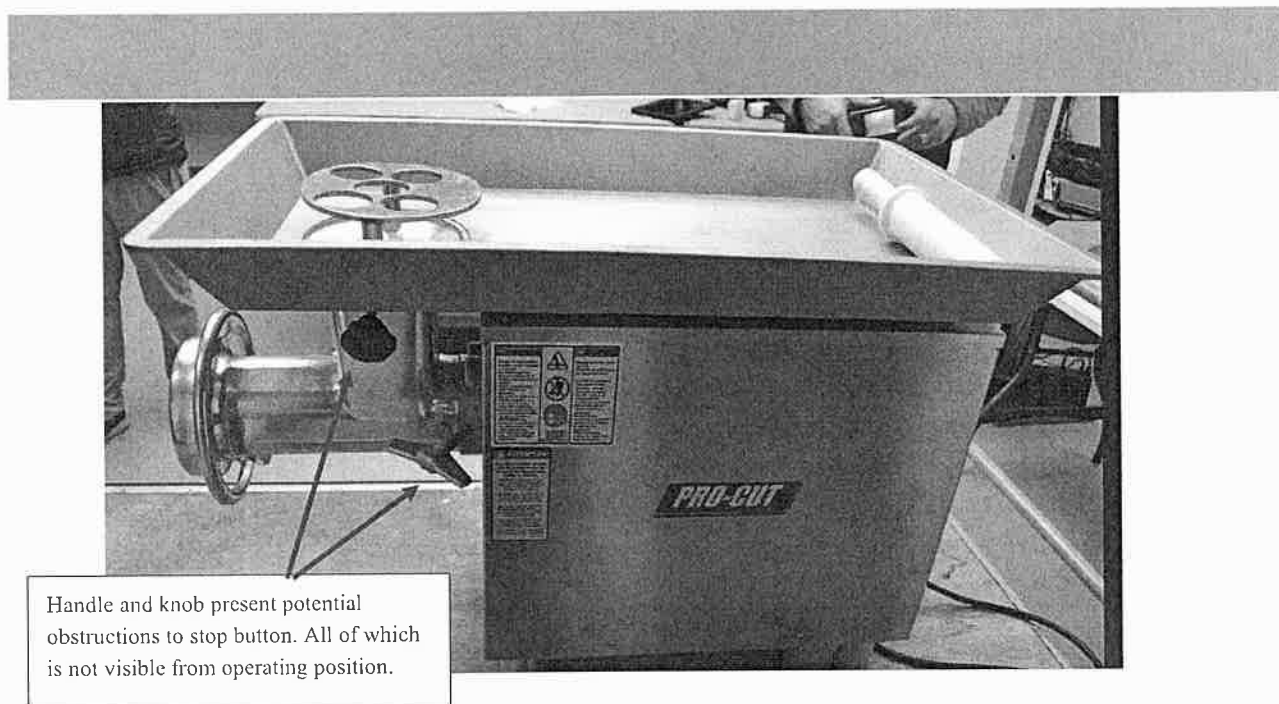


Figure 17. Possible obstructions to access of STOP button



Figure 18 (a) ProCut KG-12-FS Electric Meat Grinder 115V, ¼ HP

Ref : <https://www.webstaurantstore.com/36675/meat-choppers-and-meat-grinders.html>

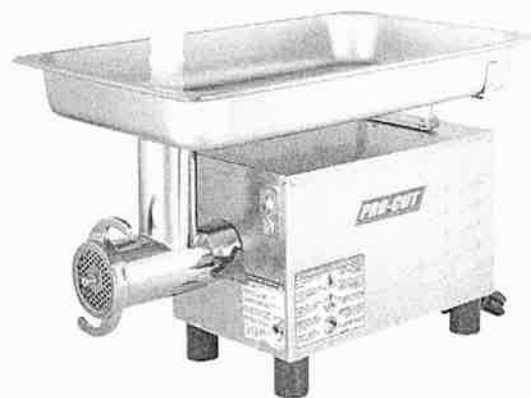


Figure 18 (b) ProCut KG-12-SS Electric Meat Grinder 115V, ¼ HP

Ref : <https://www.webstaurantstore.com/36675/meat-choppers-and-meat-grinders.html>

Note that other manufacturers of similar Meat Grinders have made a much better attempt at installing a “proper emergency stop button” and have done so at the front of the machine where it can be seen and more easily accessed. (Figure 19(a) and (b).) Of note is that it would also be possible for an operator with a trapped hand to bump the Emergency stop button with his body when it is placed on the front.

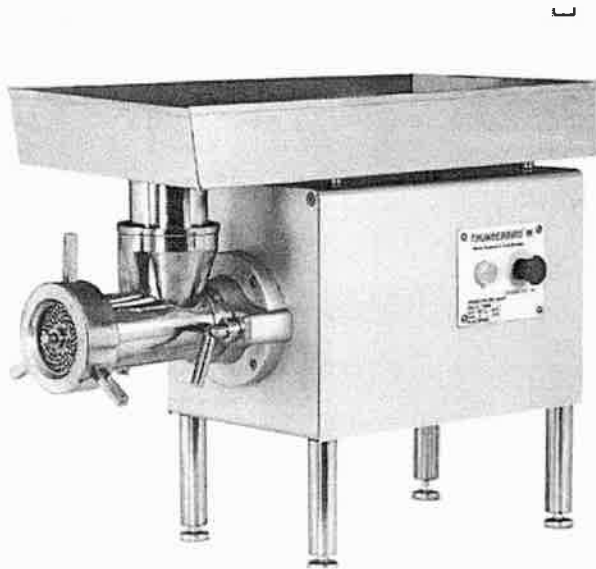


Figure. 19(a) *Thunderbird Stainless Steel No.32 3 HP Meat Grinder*

REF. <https://www.amazon.com/Thunderbird-TB-500E-Stainless-Grinder-220v-olt>



Figure. 19(b) *KWS JQ-58 Duo Function Commercial 2.6 HP Electric Fresh Meat Cutter*

REF. <https://www.amazon.com/JQ-58-Duo-Function-Commercial-Stainless-Restaurant>

In summary the stop button on the KG-32 grinder involved in this incident is not a true “Emergency Stop Button” per code. It also has a visibly obscured location unnecessarily placed on the side of the machine instead of on the front and is “cluttered” by both the tray locking knob and the grinder head locking handle. These can pose physical obstructions to someone trying to locate the already visibly obscured stop button while also trying to reach around a trapped operator who would also be blocking clear access to the button. It is also important to remember that the grinder is causing catastrophic damage to the trapped individual the whole time it continues to operate.

8. Worm Screw Guard.

The owner's manual states that the Grinder can grind at a rate of 55 lb/min while the Pro-Cut advertising literature also gives this as an hourly rate of 3,300 lb/hr. To achieve this throughput would require loading the tray with meat and using the "pusher" to slide meat of assorted "raw" sizes under the guard before then inserting and again using the plastic pusher through one of five holes to push the meat down into the worm screw. (For a ton and a half of meat per hour !). For a commercial butcher's shop that may actually be trying to achieve these processing rates the guard could quickly be seen as an obstruction to the rapidity of the process.

In this regard Underwriters Laboratories that focuses on reducing risks to public safety issued a standard, UL 73 Standard for Safety, Motor-Operated Appliance that states :-

19. General

19.1 If the operation and maintenance of an appliance by the user involves casualty hazard, suitable protection shall be provided to minimize the hazard.

19.1A In applying the requirement of paragraph 19.1 consideration should be given to reasonably foreseeable misuse of the appliance.

Also the National Safety Council (NSC), which is a public service organization in the United States promoting Health and Safety, lists acceptable guard recommendations for machinery as follows :-

1. Conform to the standards of the ASA or the state inspection department having jurisdiction.
2. Be considered a permanent part of the machine or equipment.
3. Afford maximum positive protection.
4. Prevent access to the danger zone during operation.
5. Not weaken the structure of the machine.
6. Be convenient; it must not interfere with efficient operation of the machine nor cause discomfort to the operator.
7. Be designed for the specific job and specific machine, with provisions made for oiling, inspection, adjusting, and repairing of the machine parts.
8. Be durable, resistant to fire and corrosion, and easily repaired.
9. Be constructed strongly enough to resist normal wear and shock, and to withstand long use with minimum maintenance. It should not, itself, present hazards such as splinters, pinch points, shear points, sharp corners, rough edges, or other sources of injury.
10. If possible, a guard covering rotating parts should be interlocked with the machine itself so that the machine cannot be operated unless the guard is in place.

(Ref: Robson Forensics, <https://www.robsonforensic.com/articles/machine-guarding-for-nsic-expert>)

Note that the "plastic pusher" would have to be constantly taken out of the aluminum guard and used to push the meat under the guard and then re-inserted into the guard to push the meat down the feed chute. Referring to these standards/recommendations it could be seen how the

guard/meat pusher combination requirement could be seen as inconvenient, uncomfortable to use and interfering with the efficient operation of the grinding process. (Contrary to National Safety Council item no. 6). As such it becomes foreseeable that the guard could be removed, effectively allowing misuse of the appliance. (UL 19.1A)

Making a less intrusive guard system and incorporating an interlock device, per item 10 from the National Safety Council list, would therefore be recommended.

9. Adding Interlocks.

An interlock is a device associated with a guard that effectively acts like a switch. The interlock switch is “switched off” when the guard is removed or tampered with. The “switching off” of the interlock then interrupts the power to the machine and effectively switches it off. Therefore, any removal or tampering with the guard deactivates the machine and removes the danger.

As the potential removal of the guard is foreseeable (per UL73 19.1A) it would seem prudent to install an interlock system. Using the guard circular disk to complete an interlock low voltage circuit would not significantly impact the design and would render operation of the grinder without the guard not possible. See sketch and photograph below.(Figure 20)

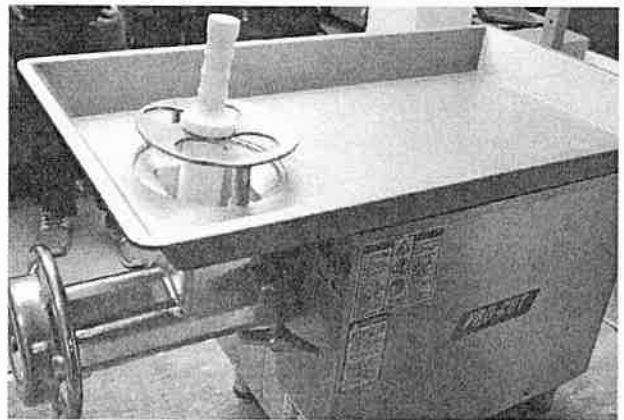
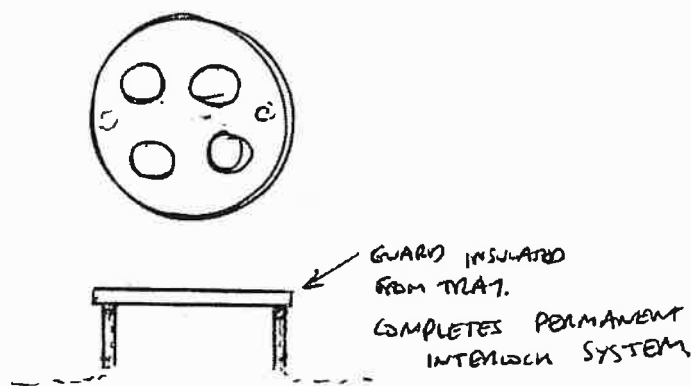


Figure 20. Sketch of possible interlock on guard along with photograph.

UL 73 Motor-Operated Appliances provides further instruction on the operation of an interlock.

33.9 An interlock shall be such that it cannot be defeated readily:

- a) Without damaging the appliance,
- b) Without making wiring connections or alterations, or
- c) By using materials that are readily available.

Utilizing the stainless steel guard itself as the “interlock switch” would seem to accommodate UL 73 , 33.9.

10. Opinions resulting from this review.

- (i) WARNING signal words in the manual do not clearly state the danger posed by the grinder. Warning signs need to be replaced with DANGER signal words and a clear description that the worm screw WILL ingest and grind the user’s hand and arm if the user inserts his hand into the down chute causing catastrophic damage and/or death.
- (ii) The WARNING sign on the machine similarly needs to be replaced with a DANGER sign and placement of the sign needs to be enhanced such that the user can clearly see it when operating the machine. Adding it to heightened sides of the feed tray may be an option.
- (iii) A bigger “mushroom head type” standard emergency stop button needs to be added to the machine in a location that is more accessible and can even be operated by the user’s body if an arm was to be trapped. i.e. Not on the side of the machine next to the worm screw. The current stop button **is not an emergency stop button**.
- (iv) The location of the stop button should not be impaired by obstructions and protrusions such as the grinder head locking handle and the feed tray locking knob. Both of which are in close proximity to the stop button on this machine. Other grinders provided by this same manufacturer have removed these obstructions.

- (v) As a practical matter, to obtain the high meat processing rates advertised for this machine it is not realistic to expect an operator to be constantly removing and inserting the plastic pusher into the guard in order to move the meat horizontally across the tray and then vertically down the chute. As such, this system needs to be improved. In the interim, recognition of the fact that users will remove the guard needs to be made. (Per UL 73 19.1A) and as such an interlock that would prevent operation of the grinder without the guard is required.
- (vi) In conclusion the machine and its supporting literature fail to warn the user of the dangers it poses. WARNING signs should be replaced by the higher-level DANGER signs and need to be repositioned to be visible to the operator of the machine. Practical operation of the machine for high commercial throughputs is inconvenient with the provided guard and plastic pusher. As such, users are likely to remove the guard which, because of the absence of an interlock, will mean the machine can operate unguarded. Finally, the machine has no real Emergency Stop Button and its actual stop button is hidden from the operator's view and physically obstructed by various handles and knobs. All of the above mean that the utility of the ProCut 32 Meat Grinder does not outweigh the risk it poses. The Procut 32 therefore has serious design flaws.

11. References

Kundinger M. (2008), *Institute of Scientific and Technical Communicators. ISTC Journal, Communicator Autumn 2008. (ISTC)*
<https://istc.org.uk/2008/09/01/communicator-autumn-2008/>

12. Contact Information



Dr Andrew C. Foley P.E

44 Buddington Rd,
Groton, CT. 06340

Tel (860) 460-9132

Email : Andy.Foley@hotmail.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ISOJON KHUSENOV,

Plaintiff,

-against-

PROKRAFT INC. and PRO-CUT,

Defendants.

PROKRAFT INC.,

Third-Party Plaintiff,

-against-

KARZINKA US, INC.,

Third-Party Defendant.

Civil Action
No.: CV-21-3703

(Gonzalez, J.)

AFFIDAVIT OF DR. ANDREW C. FOLEY, P.E.

STATE OF CONNECTICUT)

COUNTY OF NAM HATTON)

SS:

DR. ANDREW C. FOLEY, PE, being duly sworn, deposes and says:

1. I am a Professional Engineer, licensed to practice my profession in the States of Washington and Connecticut, and as such I am qualified to make the statements contained in this affidavit.

2. I am over the age of 18 and I am not a party to this action.

3. I have been retained by the Law Office of Yuriy Prakhin, P.C. to investigate the Pro-Cut KG-32 Grinder injury sustained by Mr. Isojon Khusenov on May 29, 2021, including reviewing case information, researching applicable standards, and conducting an inspection of the

subject meat grinder and auger on January 10, 2022, and an inspection of an identical make and model meat grinder that has all applicable attachments on it.

4. A copy of my curriculum vitae is annexed hereto. I maintain an office at 44 Buddington Road, Groton, Connecticut.

5. A copy of my report is annexed hereto and the same is a fair and accurate copy of my report which contains my professional engineering opinion as it relates to this matter.

6. I have reviewed the following information pertaining to the above-referenced action in preparation of the within Affidavit and my annexed report:

- a. Pro-Cut kg-32 Product/Sales Brochure. PRO-CUT KG-32 MEAT GRINDER-76876.pdf;
- b. Owner's Manual PRO-CUT 507130-A, OWNERS MANUAL KG-32-76877.pdf;
- c. Video Footage received from Plaintiff's Attorney. VIDEO 1-76428-2245;
- d. Defendant's Initial Disclosure;
- e. Plaintiff's initial disclosure, PLAINTIFF'S INITIAL DISCLOSURE-4631.pdf
- f. 3RD PTY DEF KARZINKA INITIAL DISCLOSURE-5826.pdf;
- g. Response to interrogatories. DEF PROKRAFT RESPONSE TO OUR 1ST SET OF ROGS 6132.pdf;
- h. Photographs from inspection on 1/10/2022;
- i. Photographs from inspection on 2/11/2022;
- j. UL-763 Motor operated commercial food preparing machines. Underwriters Laboratories Standard;
- k. 29 CFR 1910.147 The control of hazardous energy (lockout/tagout) – 1910.147;
- l. 29 CFR 1910.212 General requirements for all machines;

m. Guidebook for designing emergency stop equipment. (ISO 13850 Compliant) WWW.IDEC.com; and

n. AMAZON.com Various Meat Grinders advertised for sale.

7. Based upon my review and investigation of this matter, it is my professional opinion, within a reasonable degree of engineering certainty:

(i) WARNING signal words in the manual do not clearly state the danger posed by the grinder. Warning signs need to be replaced with DANGER signal words and a clear description that the worm screw WILL ingest and grind the user's hand and arm if the user inserts his hand into the down chute causing catastrophic damage and/or death.

(ii) The WARNING sign on the machine similarly needs to be replaced with a DANGER sign and placement of the sign needs to be enhanced such that the user can clearly see it when operating the machine. Adding it to heightened sides of the feed tray may be an option.

(iii) A bigger "mushroom head type" standard emergency stop button needs to be added to the machine in a location that is more visible, accessible, and can even be operated by the user's body if an arm was to be trapped, i.e. not on the side of the machine next to the worm screw. The current stop button is not an emergency stop button.

(iv) The location of the stop button should not be impaired by obstructions and protrusions such as the grinder head locking handle and the feed tray locking knob. Both of which are in close proximity to the stop button on this machine. Other grinders provided by this same manufacturer have removed these obstructions.

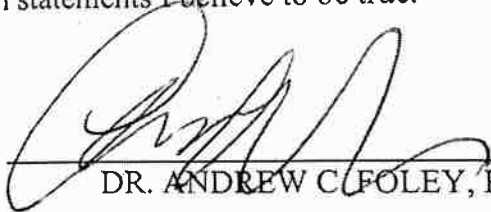
(v) As a practical matter, to obtain the high meat processing rates advertised for this machine it is not realistic to expect an operator to be constantly removing and inserting the plastic pusher into the guard in order to move the meat horizontally across the tray and then vertically down the chute. As such, this system needs to be improved. In the interim, recognition of the fact that users will remove the guard needs to be made. (Per UL 73 19.1A) and as such an interlock that would prevent operation of the grinder without the guard is required.

(vi) In conclusion the machine and its supporting literature fail to warn the user of the dangers it poses. WARNING signs should be replaced by the higher-level

DANGER signs and need to be repositioned to be visible to the operator of the machine. Practical operation of the machine for high commercial throughputs is inconvenient with the provided guard and plastic pusher. As such, users are likely to remove the guard which, because of the absence of an interlock, will mean the machine can operate unguarded. Finally, the machine has no real Emergency Stop Button and its actual stop button is hidden from the operator's view and physically obstructed by various handles and knobs. All of the above mean that the utility of the ProCut 32 Meat Grinder does not outweigh the risk it poses. The Procut 32 therefore has serious design flaws.

I, DR. ANDREW C. FOLEY, P.E., a Professional Engineer, duly licensed in the States of Washington and Connecticut, certify and affirm under the penalties of perjury that the above statements and opinions set forth are based upon my professional interpretation of the applicable standards, as well as my review and investigation of this matter, except as to such statements as are based upon information and belief, which statements I believe to be true.

Dated: July 14 2022


DR. ANDREW C. FOLEY, P.E.

Sworn to before me this
14 day of July 2022


NOTARY PUBLIC

Comm. exp. 6/14/2026